

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

JOHN STEWART and RUZA STEWART

PLAINTIFFS

V.

CIVIL ACTION NO. 1:06CV409 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY
and FELICIA L. PALMER

DEFENDANTS

OPINION AND ORDER DENYING MOTION TO REMAND

The Court has before it the motion of Plaintiffs John and Ruza Stewart [8] to remand this action to the Circuit Court of Harrison County, Mississippi.

By separate orders entered this day, I have granted Defendant Felicia Craft Palmer's motion to dismiss under Rule 12(b)(6), and I have denied the plaintiffs' motion for leave to file an amended complaint adding a new party as a defendant.

In light of these rulings, it appears that this court has subject matter jurisdiction of this action under 28 U.S.C. §1332.

Accordingly, it is hereby

ORDERED

That the plaintiffs' motion to remand [8] is hereby **DENIED**;

That the plaintiffs' motion for an Extension of Time To File Rebuttal To Defendants' Response to Plaintiffs' Motion to Remand [12] is hereby **DENIED AS MOOT**; and

That the motion of Defendant State Farm to Stay Deadline To Respond to Plaintiffs' Motion for Leave to Amend Complaint [19] is hereby **DENIED AS MOOT**.

SO ORDERED AND ADJUDGED this 31st day of October, 2006.

s/ L. T. Senter, Jr.
L. T. Senter, Jr.
Senior Judge